



Legislation Text

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Res. No. 199

Resolution urging the United States Department of Homeland Security to investigate abuse allegations and take action to ensure the safety of lesbian, gay, bisexual, and transgender immigrants in the custody of the United States Department of Homeland Security.

By Council Members Dromm and Cornegy

Whereas, There are approximately nine million lesbian, gay, bisexual, and transgender (LGBT) individuals living in the United States (U.S.); and

Whereas, The Williams Institute of the University of California Los Angeles School of Law reported in 2013 that there are approximately 267,000 LGBT adult, undocumented immigrants and 637,000 adult LGBT authorized immigrants the U.S.; and

Whereas, Many LGBT immigrants came to the U.S. to escape persecution, torture, or death in their home country on account of their sexual orientation or gender identity; and

Whereas, In December 2017, the U.S. Department of Homeland Security (DHS) reported that U.S. Immigration and Customs Enforcement (ICE) conducted approximately 143,470 arrests and 226,119 deportations in Fiscal Year 2017; and

Whereas, The DHS also reported that U.S. Customs and Border Protection (CBP) conducted 310,531 apprehensions in Fiscal Year 2017; and

Whereas, ICE reports that in Fiscal Year 2017 the average daily population in its immigration facilities was roughly 38,000 detainees, a number which may increase to 48,000 detainees daily if President Trump secures the additional funding included in his Fiscal Year 2018 budget; and

Whereas, According to the U.S. Government Accountability Office (GAO), there were over 200

allegations of sexual abuse in immigration detention facilities reported between 2009 and 2013, many of which were allegations of abuse against LGBT immigrants; and

Whereas, According to the Heartland Alliance’s National Immigrant Justice Center (NIJC), sexual abuse is widespread in immigration detention facilities and ICE officials are unwilling or unable to protect immigrant detainees and provide necessary treatment; and

Whereas, On April 13, 2011, NIJC filed a complaint against DHS on behalf of 13 gay and transgender immigrant detainees who reported abuse at immigration detention facilities run by the United States Immigration and Customs Enforcement (ICE) and its contractors; and

Whereas, These complaints allege sexual assault, denial of adequate medical care, long-term solitary confinement, discrimination and abuse, and an ineffective complaint and appeal process; and

Whereas, The enactment of the Prison Rape Elimination Act of 2003 (“PREA”), through its zero tolerance policy, was a significant step in combatting prison rape; and

Whereas, Despite its proven effectiveness, the American Civil Liberties Union (ACLU) reports that, in 2012, the United States Department of Justice issued a rule that excluded immigration detention facilities from coverage under the PREA; and

Whereas, In March 2014, DHS announced that it had finalized PREA standards that require all DHS facilities and contract facilities that hold immigration detainees to comply with the PREA regulations; and

Whereas, According to the ACLU, these regulations (i) set forth a zero tolerance policy for any sexual abuse of immigration detainees; (ii) establish mandatory training for all staff; (iii) require that every facility undergo at least one outside audit for PREA compliance every three years; (iv) and display posters that clearly delineate the complaint mechanism and PREA protections available to detainees; and

Whereas, Despite the application of the PREA regulations to immigration detention facilities, there remains grave concern as to their implementation and enforcement, especially in situations involving LGBT detainees; and

Whereas, GAO reported in a 2016 audit that DHS and its components did not consistently communicate information about PREA protections to individuals in Customs and Border Patrol and ICE detention centers; and

Whereas, GAO auditors additionally observed that posters communicating DHS complaint mechanisms in detention facilities varied in their content and usefulness; and

Whereas, DHS must ensure that all immigration detention facilities truly comply with the requirements of the PREA and take immediate steps to investigate and remedy violations; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Homeland Security to investigate abuse allegations and take action to ensure the safety of lesbian, gay, bisexual, and transgender immigrants in the custody of the United States Department of Homeland Security.

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